

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN
AND RELATED MOTIONS

Name of Debtor(s): **Franklin Willis Clark, Sr.
Shelby Caroline Clark**

Case No: **19-30437-KRH**

This plan, dated **January 30, 2019**, is:

- ☒ the *first* Chapter 13 plan filed in this case.
☐ a modified Plan, which replaces the
☐ confirmed or ☐ unconfirmed Plan dated ____.

Date and Time of Modified Plan Confirmation Hearing:

Place of Modified Plan Confirmation Hearing:

The Plan provisions modified by this filing are:

Creditors affected by this modification are:

1. Notices

To Creditors:

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court.

(1) Richmond and Alexandria Divisions:

The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed.

(2) Norfolk and Newport News Divisions: a confirmation hearing will be held even if no objections have been filed.

(a) A scheduled confirmation hearing will not be convened when:

- (1) an amended plan is filed prior to the scheduled confirmation hearing; or**
(2) a consent resolution to an objection to confirmation anticipates the filing of an amended plan and the objecting party removes the scheduled confirmation hearing prior to 3:00 pm on the last business day before the confirmation hearing.

In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance.

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

A.	A limit on the amount of a secured claim, set out in Section 4.A which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
B.	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 8.A	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
C.	Nonstandard provisions, set out in Part 12	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included

2. Funding of Plan. The debtor(s) propose to pay the Trustee the sum of \$ **575.00** per **month** for **60** months. Other payments to the Trustee are as follows:

The total amount to be paid into the Plan is \$ **34,500.00**.

3. Priority Creditors. The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10% of all sums received under the plan.
2. Check one box:

☒ Debtor(s)' attorney has chosen to be compensated pursuant to the "no-look" fee under Local Bankruptcy Rule 2016-1(C)(1)(a) and (C)(3)(a) and will be paid \$ **4,898.00**, balance due of the total fee of \$ **5,223.00** concurrently with or prior to the payments to remaining creditors.

☐ Debtor(s)' attorney has chosen to be compensated pursuant to Local Bankruptcy Rule 2016-1(C)(1)(c)(ii) and must submit applications for compensation as set forth in the Local Rules.

B. Claims under 11 U.S.C. § 507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid pursuant to 3.C below:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
County of Hanover	Taxes and certain other debts	267.98	4.47 60 months
Internal Revenue Service	Taxes and certain other debts	1,026.87	21.39 48 months
Virginia Dept of Taxation	Taxes and certain other debts	387.75	16.16 24 months

C. Claims under 11 U.S.C. § 507(a)(1).

The following priority creditors will be paid prior to other priority creditors but concurrently with administrative claims above.

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
-NONE-			

4. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.

A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. **Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 4(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 5 of the Plan.** The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u>	<u>Collateral</u>	<u>Purchase Date</u>	<u>Est. Debt Bal.</u>	<u>Replacement Value</u>
AcceptanceNOW	Bedroom Set	12/2014	5,144.00	500.00
Tidewater Finance	Kids Bedroom Set	12/2014	240.00	300.00
Title Max	2000 Mercedes ML320 300000 miles	1/2015	1,121.87	2,880.00
Wells Fargo Dealer Services	2007 Toyota Sequoia Limited 200000 miles	2/2015	11,717.00	12,650.00

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay under §§ 362(a) and 1301(a) as to the interest of the debtor(s), any co-debtor(s) and the estate in the collateral.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Value</u>	<u>Estimated Total Claim</u>
Westgate Resorts	Timeshare located in Myrtle Beach, SC	0.00	7,222.00

C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 4(D) and/or 7(B) of the Plan, as follows:

<u>Creditor</u>	<u>Collateral</u>	<u>Adeq. Protection Monthly Payment</u>	<u>To Be Paid By</u>
Credit Acceptance Corp	2008 Volvo S40 2.4 85000 miles	20.00	Trustee
AcceptanceNOW	Bedroom Set	10.00	Trustee
Tidewater Finance	Kids Bedroom Set	10.00	Trustee
Wells Fargo Dealer Services	2007 Toyota Sequoia Limited 200000 miles	65.00	Trustee

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 7(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except those loans provided for in section 6 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, **whichever is less**, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. **Upon confirmation of the Plan, the valuation specified in sub-section A and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.**

<u>Creditor</u>	<u>Collateral</u>	<u>Approx. Bal. of Debt or "Crammed Down" Value</u>	<u>Interest Rate</u>	<u>Monthly Payment & Est. Term</u>
Credit Acceptance Corp	2008 Volvo S40 2.4 85000 miles	4,000.00	6.5%	84.29 55months
AcceptanceNOW	Bedroom Set	500.00	6.5%	22.27 24months
Tidewater Finance	Kids Bedroom Set	240.00	6.5%	10.69 24months
Title Max	2000 Mercedes ML320 300000 miles	1,121.87	6.5%	21.95 60months
Wells Fargo Dealer Services	2007 Toyota Sequoia Limited 200000 miles	11,717.00	6.5%	268.13 50months
County of Hanover	13580 Providence Run Road Ashland, VA 23005 Hanover County Primary Residence Parcel ID: 7880-84-2471	1,494.17	4%	Prorata 10months

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' principal residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 6 of the Plan.

5. Unsecured Claims.

A. **Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 9 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 0 %.

B. **Separately classified unsecured claims.**

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>
-NONE-		

6. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Principal Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).

A. **Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement. A default on the regular contract payments on the debtor(s) principal residence is a default under the terms of the plan.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Arrearage Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
Loancare Servicing Center	13580 Providence Run Road Ashland, VA 23005 Hanover County Primary Residence Parcel ID: 7880-84-2471	2,534.00	0.00	0%	0months	
Providence HOA	13580 Providence Run Road Ashland, VA 23005 Hanover County Primary Residence Parcel ID: 7880-84-2471	44.00	1,432.04	0%	10months	Prorata

B. **Trustee to make contract payments and cure arrears, if any.** The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate on Arrearage</u>	<u>Monthly Payment on Arrearage & Est. Term</u>
-NONE-					

C. **Restructured Mortgage Loans to be paid fully during term of Plan.** Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

<u>Creditor</u>	<u>Collateral</u>	<u>Interest Rate</u>	<u>Estimated Claim</u>	<u>Monthly Payment & Term</u>
-NONE-				

7. Unexpired Leases and Executory Contracts. The debtor(s) move for assumption or rejection of the executory contracts, leases and/or timeshare agreements listed below.

A. **Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts:

Creditor
-NONE-

Type of Contract

- B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor(s) agree to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Creditor	Type of Contract	Arrearage	Monthly Payment for	Estimated Cure Period
-NONE-			Arrears	

8. Liens Which Debtor(s) Seek to Avoid.

- A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor	Collateral	Exemption Basis	Exemption Amount	Value of Collateral
-NONE-				

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate adversary proceedings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor	Type of Lien	Description of Collateral	Basis for Avoidance
-NONE-			

9. Treatment and Payment of Claims.

- All creditors must timely file a proof of claim to receive any payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the Plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
- The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- If relief from the automatic stay is ordered as to any item of collateral listed in the plan, then, unless otherwise ordered by the court, all payments as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.
- Unless otherwise ordered by the Court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in the plan.

- 10. Vesting of Property of the Estate.** Property of the estate shall revert in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not transfer, sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.

- 11. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, whether unsecured or secured, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.

12. Nonstandard Plan Provisions

■ None. If "None" is checked, the rest of Part 12 need not be completed or reproduced.

Dated: January 30, 2019

/s/ Franklin Willis Clark, Sr.
Franklin Willis Clark, Sr.
Debtor 1

/s/ Patrick Thomas Keith
Patrick Thomas Keith 48446
Debtors' Attorney

/s/ Shelby Caroline Clark
Shelby Caroline Clark
Debtor 2

By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the Local Form Plan, other than any nonstandard provisions included in Part 12.

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J); Matrix of Parties Served with Plan

Certificate of Service

I certify that on January 30, 2019, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Patrick Thomas Keith
Patrick Thomas Keith 48446
Signature

P. O. Box 11588
Richmond, VA 23230
Address

(804) 358-9900
Telephone No.

CERTIFICATE OF SERVICE PURSUANT TO RULE 7004

I hereby certify that on January 30, 2019 true copies of the forgoing Chapter 13 Plan and Related Motions were served upon the following creditor(s):

RAC Acceptance East, LLC
c/o CT Corporation System, Reg. Agt (first class mail)
4701 Cox Road, Suite 285
Glen Allen, VA 23060

Tidewater Finance Company
Alan M. Frieden, Reg. Agent (first class mail)
222 Central Park Avenue, Suite 1300
Virginia Beach, VA 23462

TitleMax of Virginia, Inc.
CT Corporation System, Reg. Agent (first class mail)
4701 Cox Road, Suite 285
Glen Allen, VA 23060

Wells Fargo Bank, National Assoc.
Timothy J. Sloan, CEO (certified mail)
101 N. Phillips Avenue
Sioux Falls, SD 57104

- by first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P.; or
■ by certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

/s/ Patrick Thomas Keith
Patrick Thomas Keith 48446

United States Bankruptcy Court
Eastern District of Virginia

In re **Franklin Willis Clark, Sr.
Shelby Caroline Clark**

Debtor(s)

Case No. **19-30437-KRH**
Chapter **13**

SPECIAL NOTICE TO SECURED CREDITOR

To: **RAC Acceptance East, LLC; c/o CT Corporation System, Reg. Agt
4701 Cox Road, Suite 285; Glen Allen, VA 23060**

Name of creditor

Bedroom Set

Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☒ To value your collateral. ***See Section 4 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 8 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

2. ***You should read the attached plan carefully for the details of how your claim is treated.*** The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due:

Date and time of confirmation hearing:

Place of confirmation hearing:

No later than 7 days prior to 04/10/2019

April 10, 2019 11:10AM

701 E. Broad St., Rm 5000, Richmond, VA

**Franklin Willis Clark, Sr.
Shelby Caroline Clark**

Name(s) of debtor(s)

By: **/s/ Patrick Thomas Keith**

Patrick Thomas Keith 48446

Signature

☒ Debtor(s)' Attorney

☐ Pro se debtor

Patrick Thomas Keith 48446

Name of attorney for debtor(s)

P. O. Box 11588

Richmond, VA 23230

Address of attorney [or pro se debtor]

Tel. # **(804) 358-9900**

Fax # **(804) 358-8704**

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

- ☒ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or
☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this January 30, 2019 .

/s/ Patrick Thomas Keith

Patrick Thomas Keith 48446

Signature of attorney for debtor(s)

Ver. 10/18

United States Bankruptcy Court
Eastern District of Virginia

In re Franklin Willis Clark, Sr.
Shelby Caroline Clark

Debtor(s)

Case No. 19-30437-KRH
Chapter 13

SPECIAL NOTICE TO SECURED CREDITOR

To: Tidewater Finance Company; Alan M. Frieden, Reg. Agent
222 Central Park Avenue, Suite 1300 Virginia Beach, VA 23462

Name of creditor

Kids Bedroom Set

Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☒ To value your collateral. ***See Section 4 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 8 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

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Date and time of confirmation hearing:

Place of confirmation hearing:

No later than 7 days prior to 04/10/2019

April 10, 2019 11:10AM

701 E. Broad St., Rm 5000, Richmond, VA

**Franklin Willis Clark, Sr.
Shelby Caroline Clark**

Name(s) of debtor(s)

By: /s/ Patrick Thomas Keith

Patrick Thomas Keith 48446

Signature

☒ Debtor(s)' Attorney

☐ Pro se debtor

Patrick Thomas Keith 48446

Name of attorney for debtor(s)

P. O. Box 11588

Richmond, VA 23230

Address of attorney [or pro se debtor]

Tel. # (804) 358-9900

Fax # (804) 358-8704

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on this January 30, 2019 .

/s/ Patrick Thomas Keith

Patrick Thomas Keith 48446

Signature of attorney for debtor(s)

Ver. 10/18

United States Bankruptcy Court
Eastern District of Virginia

In re Franklin Willis Clark, Sr.
Shelby Caroline Clark

Debtor(s)

Case No. 19-30437-KRH
Chapter 13

SPECIAL NOTICE TO SECURED CREDITOR

To: TitleMax of Virginia, Inc.; CT Corporation System, Reg. Agent
4701 Cox Road, Suite 285; Glen Allen, VA 23060

Name of creditor

2000 Mercedes ML320 300000 miles

Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☒ To value your collateral. ***See Section 4 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 8 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

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Date and time of confirmation hearing:

Place of confirmation hearing:

No later than 7 days prior to 04/10/2019

April 10, 2019 11:10AM

701 E. Broad St., Rm 5000, Richmond, VA

Franklin Willis Clark, Sr.
Shelby Caroline Clark

Name(s) of debtor(s)

By: /s/ Patrick Thomas Keith

Patrick Thomas Keith 48446

Signature

☒ Debtor(s)' Attorney

☐ Pro se debtor

Patrick Thomas Keith 48446

Name of attorney for debtor(s)

P. O. Box 11588

Richmond, VA 23230

Address of attorney [or pro se debtor]

Tel. # (804) 358-9900

Fax # (804) 358-8704

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on this January 30, 2019 .

/s/ Patrick Thomas Keith

Patrick Thomas Keith 48446

Signature of attorney for debtor(s)

Ver. 10/18

United States Bankruptcy Court
Eastern District of Virginia

In re **Franklin Willis Clark, Sr.
Shelby Caroline Clark**

Debtor(s)

Case No. **19-30437-KRH**
Chapter **13**

SPECIAL NOTICE TO SECURED CREDITOR

To: **Wells Fargo Bank, National Assoc.; Timothy J. Sloan, CEO
101 N. Phillips Avenue; Sioux Falls, SD 57104**

Name of creditor

2007 Toyota Sequoia Limited 200000 miles

Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☒ To value your collateral. ***See Section 4 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 8 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

2. ***You should read the attached plan carefully for the details of how your claim is treated.*** The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due:

Date and time of confirmation hearing:

Place of confirmation hearing:

No later than 7 days prior to 04/10/2019

April 10, 2019 11:10AM

701 E. Broad St., Rm 5000, Richmond, VA

**Franklin Willis Clark, Sr.
Shelby Caroline Clark**

Name(s) of debtor(s)

By: **/s/ Patrick Thomas Keith**

Patrick Thomas Keith 48446

Signature

☒ Debtor(s)' Attorney

☐ Pro se debtor

Patrick Thomas Keith 48446

Name of attorney for debtor(s)

P. O. Box 11588

Richmond, VA 23230

Address of attorney [or pro se debtor]

Tel. # **(804) 358-9900**

Fax # **(804) 358-8704**

CERTIFICATE OF SERVICE

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- ☐ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or
- ☒ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this January 30, 2019 .

/s/ Patrick Thomas Keith

Patrick Thomas Keith 48446

Signature of attorney for debtor(s)

Ver. 10/18

Fill in this information to identify your case:

Debtor 1 Franklin Willis Clark, Sr.

Debtor 2 Shelby Caroline Clark
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN DISTRICT OF VIRGINIA

Case number 19-30437-KRH
(If known)

Check if this is:

- ☐ An amended filing
☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

How long employed there?

Debtor 1

- ☐ Employed
☒ Not employed

Disabled

Debtor 2 or non-filing spouse

- ☒ Employed
☐ Not employed

Bus Dispatcher

Henrico County Public Schools

3820 Nine Mile Rd
Richmond, VA 23223

Since 01/2016

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ <u>0.00</u>	\$ <u>1,441.88</u>
3. Estimate and list monthly overtime pay.	+\$ <u>0.00</u>	+\$ <u>0.00</u>
4. Calculate gross income. Add line 2 + line 3.	\$ <u>0.00</u>	\$ <u>1,441.88</u>

Debtor 1 **Franklin Willis Clark, Sr.**
Debtor 2 **Shelby Caroline Clark**

Case number (if known) **19-30437-KRH**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ 0.00	\$ 1,441.88
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 0.00	\$ 91.33
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$ 0.00
5c. Voluntary contributions for retirement plans	5c. \$ 0.00	\$ 68.01
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$ 0.00
5e. Insurance	5e. \$ 0.00	\$ 466.85
5f. Domestic support obligations	5f. \$ 0.00	\$ 0.00
5g. Union dues	5g. \$ 0.00	\$ 0.00
5h. Other deductions. Specify:	5h.+ \$ 0.00	+ \$ 0.00
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ 0.00	\$ 626.19
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 0.00	\$ 815.69
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ 0.00
8b. Interest and dividends	8b. \$ 0.00	\$ 0.00
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ 0.00
8d. Unemployment compensation	8d. \$ 0.00	\$ 0.00
8e. Social Security	8e. \$ 0.00	\$ 0.00
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: VA Disability	8f. \$ 1,841.00	\$ 0.00
Long Term Disability - Cigna	\$ 1,941.00	\$ 0.00
8g. Pension or retirement income	8g. \$ 0.00	\$ 0.00
Federal and State Tax Refunds		
8h. Other monthly income. Specify: Amortized	8h.+ \$ 0.00	+ \$ 325.00
Part-Time Employment with Citizens Bank	\$ 0.00	\$ 730.92
Part Time Employment with USPS	\$ 0.00	\$ 300.00
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ 3,782.00	\$ 1,355.92
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 3,782.00	+ \$ 2,171.61 = \$ 5,953.61
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify:	11. +\$ 0.00	
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data</i> , if it applies	12. \$ 5,953.61 Combined monthly income	
13. Do you expect an increase or decrease within the year after you file this form?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes. Explain:		

Fill in this information to identify your case:

Debtor 1 Franklin Willis Clark, Sr.

Debtor 2 Shelby Caroline Clark
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN DISTRICT OF VIRGINIA

Case number 19-30437-KRH
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☐ No. Go to line 2.

☒ Yes. Does Debtor 2 live in a separate household?

☒ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Do not state the dependents names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Son

15

☐ No
☒ Yes

Son

20

☐ No
☒ Yes

☐ No
☐ Yes

☐ No
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No
☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 2,534.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 100.00

4d. Homeowner's association or condominium dues

4d. \$ 41.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Franklin Willis Clark, Sr.**
Debtor 2 **Shelby Caroline Clark**

Case number (if known) **19-30437-KRH**

6. Utilities:								
6a. Electricity, heat, natural gas	6a. \$	200.00						
6b. Water, sewer, garbage collection	6b. \$	160.00						
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	350.00						
6d. Other. Specify: _____	6d. \$	0.00						
7. Food and housekeeping supplies	7. \$	700.00						
8. Childcare and children's education costs	8. \$	0.00						
9. Clothing, laundry, and dry cleaning	9. \$	100.00						
10. Personal care products and services	10. \$	100.00						
11. Medical and dental expenses	11. \$	30.00						
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	400.00						
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$	0.00						
14. Charitable contributions and religious donations	14. \$	25.00						
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.								
15a. Life insurance	15a. \$	175.00						
15b. Health insurance	15b. \$	0.00						
15c. Vehicle insurance	15c. \$	353.00						
15d. Other insurance. Specify: _____	15d. \$	0.00						
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: Personal Property								
	16. \$	46.00						
17. Installment or lease payments:								
17a. Car payments for Vehicle 1	17a. \$	0.00						
17b. Car payments for Vehicle 2	17b. \$	0.00						
17c. Other. Specify: _____	17c. \$	0.00						
17d. Other. Specify: _____	17d. \$	0.00						
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).								
	18. \$	0.00						
19. Other payments you make to support others who do not live with you.								
	\$	0.00						
Specify: _____								
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.								
20a. Mortgages on other property	20a. \$	0.00						
20b. Real estate taxes	20b. \$	0.00						
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00						
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00						
20e. Homeowner's association or condominium dues	20e. \$	0.00						
21. Other: Specify: Miscellaneous Expenses	21. +\$	64.00						
22. Calculate your monthly expenses								
22a. Add lines 4 through 21.	<div style="border: 1px solid black; padding: 5px;"> <table border="0"> <tr> <td>\$</td> <td>5,378.00</td> </tr> <tr> <td>\$</td> <td></td> </tr> <tr> <td>\$</td> <td>5,378.00</td> </tr> </table> </div>		\$	5,378.00	\$		\$	5,378.00
\$			5,378.00					
\$								
\$	5,378.00							
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2								
22c. Add line 22a and 22b. The result is your monthly expenses.								
23. Calculate your monthly net income.								
23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I.	23a. \$	5,953.61						
23b. Copy your monthly expenses from line 22c above.	23b. -\$	5,378.00						
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .								
	23c. \$	575.61						
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?								
<input checked="" type="checkbox"/> No.								
<input type="checkbox"/> Yes. Explain here:								

13.7, LLC
PO Box 1931
Burlingame, CA 94011-1931

AcceptanceNOW
5501 Headquarters
Plano, TX 75024

Allied Cash Advance
2312-12B Hungary Road
Richmond, VA 23228

Bon Secours Richmond Health Sy
RE: Bankruptcy
P.O. Box 28538
Richmond, VA 23228

Capital One Bank (USA) N.A.
P.O. Box 70884
Charlotte, NC 28272

CashNet USA
200 West Jackson
Suite 1400
Chicago, IL 60606-6941

Chadwick, Washington, et. al.
Att Susan L. Truskey
3201 Jermantown Rd Suite 600
Fairfax, VA 22030

Chadwick, Washington, et. al.
Attn: Sara J. Ross
3201 Jermantown Rd Suite 600
Fairfax, VA 22030

Check City
Re: Bankruptcy
6001 West Broad Street
Richmond, VA 23230

City to City Auto Sales
5020 Williamsburg Road
Henrico, VA 23231

CJW Medical Center
PO Box 13620
Richmond, VA 23225

Commonwealth Asset Services
Pembroke One Bldg., 5th Floor
281 Independence Blvd.
Virginia Beach, VA 23462

County of Hanover
Treasurer
P.O. Box 200
Hanover, VA 23069

County of Hanover
Public Utilities
P.O. Box 91736
Richmond, VA 23291-1736

Credit Acceptance Corp
Attn: Bankruptcy Dept
25505 W. 12 Mile Road
Soutfield, MI 48034

Credit One Bank
P.O. Box 98873
Las Vegas, NV 89193-8872

Diversified Consultants
PO Box 1391
Southgate, MI 48195-0391

Dominion VA Power
Attn: Bankruptcy Group
P.O. Box 26666
Richmond, VA 23261

Edward S. Whitlock
10160 Staples Mill Road
Suite 105
Glen Allen, VA 23060

Enhanced Recovery Company
P.O. Box 57547
Jacksonville, FL 32241

First Virginia
9121 Staples Mill Road
Henrico, VA 23228-2026

Focused Recovery Solutions
9701 Metropolitan Ct, Suite B
Richmond, VA 23236-3662

Henrico Doctor's Hospital
Attn: Legal Dept.
P.O. Box 13620
Richmond, VA 23225

Henrico Federal Credit Union
8611 Dixon Powers Drive
Richmond, VA 23228

Hill & Rainey
Re: Lendmark Financial
2425 Boulevard, Ste 9
Colonial Heights, VA 23834

Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

Internal Revenue Service
400 N. 8th St., Box 76
Stop Room 898
Richmond, VA 23219

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
Proceedings & Insolvencies
P.O. Box 21126
Philadelphia, PA 19114-0326

Lendmark Financial Servi
7526 West Broad Street
Henrico, VA 23294

Linebarger. Goggan, Blair & Si
Re: City of Richmond
P.O. Box 23180
Richmond, VA 23223

Loancare Servicing Center
3637 Sentara Wy
Virginia Beach, VA 23452

Macys DSNB
911 Duke Blvd
Mason, OH 45040

MCV Physicians Billing Office
RE: Bankruptcy
PO Box 91747
Richmond, VA 23291-1747

Memorial Regional Medical Cent
P.O. Box 28538
Richmond, VA 23228

PRA Receivables Management
PO Box 41067
Norfolk, VA 23541

Premier Bank INC
601 Washington St
Ravenswood, WV 26164

Providence HOA
Chardwick, Washington, et al.
201 Concourse Blvd Suite 101
Glen Allen, VA 23059

Randolph, Boyd, Cherry, Vaughn
Re: VCU Dental Facility
13 East Main Street
Richmond, VA 23219

Springleaf Financial
5050 Richmond Road
P. O. Box 675
Warsaw, VA 22572

Sprint
Attn: Bankruptcy Dept
12502 Sprint
Reston, VA 20196

Stacey Lynne Jones
Tidewater Finance Co.
P.O. Box 13306
Chesapeake, VA 23325

SYNCHRONY BANK/WALMART
P.O. Box 965024
Orlando, FL 32896

Tidewater Finance
RE: Bankruptcy
P.O. Box 13306
Chesapeake, VA 23325

Title Max
4711 West Broad Street
Richmond, VA 23230

Tuckahoe Orthopaedic
Re: Bankruptcy
P.O. Box 71690
Richmond, VA 23255

USPS Disbursing Office
Accounting Service Ctr
2825 Lone Oak Pkwy
Saint Paul, MN 55121

Valero Energy Corporation
Attention: Bankruptcy Depart
P.O. Box 696000
San Antonio, TX 78269

VCU Dental Faculty Practice
521 N 11th Street
Richmond, VA 23219

VCU Health System
PO Box 980462
Richmond, VA 23298

Verizon
500 Technology Drive
Suite 550
Saint Charles, MO 63304-2225

Virginia Dept of Taxation
P.O. Box 2156
Richmond, VA 23218

Wells Fargo Dealer Services
PO Box 1697
Winterville, NC 28590

Westgate Resorts
P.O. Box 850001
Orlando, FL 32885-0001